

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
AT MEMPHIS**

**LEGACY HOMES, LLC**

**Plaintiff,**

**vs.**

**INDIANA INSURANCE COMPANY,**

**Defendant.**

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**Case No. \_\_\_\_\_**

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**NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§ 1332(a) and 1441(a), Defendant Indiana Insurance Company (“Indiana Insurance”) hereby removes this action to this Court, and in support thereof states as follows:

1. A civil action was commenced on May 4, 2007 in the Circuit Court of Tennessee, for the Thirtieth Judicial District, Case No. CT-002414-07, wherein Legacy Homes, LLC is the Plaintiff (“Plaintiff”), and Indiana Insurance is the Defendant.

2. On or about May 21, 2007, Indiana Insurance received a copy of the Summons and Complaint. Plaintiff has also filed an Amended Complaint, which has been received by Indiana Insurance. The Amended Complaint includes a prayer for relief, requesting at least \$100,000.00 in compensatory damages, as well as treble damages, attorney fees, and punitive damages in undisclosed amounts. A Copy of the Amended Complaint is attached hereto as Exhibit 1.

3. As alleged in the Complaint, Plaintiff is a Tennessee Limited Liability Company with its principal place of business at 554 Green Tree Cove, Collierville, Shelby County, Tennessee. *See* Exhibit 1 ¶ 1.

4. At all relevant times herein, Indiana Insurance is and was organized under the laws of the State of Indiana, with its principal place of business is in the State of Indiana.

5. This is a civil action over which this Court has subject matter jurisdiction under 28 U.S.C. § 1332(a), because Plaintiff and Defendant have complete diversity of citizenship, and the amount in controversy exceeds \$75,000.00. *See* Exhibit 1.

6. This Notice of Removal is being filed within thirty (30) days after Defendant's receipt of the Complaint and is thus timely filed under 28 U.S.C. § 1446(b).

7. A copy of this Notice of Removal will be filed with the Clerk of the Circuit Court, Shelby County, Tennessee and served upon Plaintiffs' counsel, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Indiana Insurance hereby gives notice of removal from the Circuit Court of Tennessee, for the Thirtieth Judicial District Tennessee, to the United States District Court for the Western District of Tennessee, at Memphis.

Respectfully submitted,

FROST BROWN TODD LLC

/s/ Brian C. Neal

John R. Wingo, BPR #016955

Brian C. Neal, BPR #022532

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*Attorneys for Defendant Indiana Insurance Co.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded to McWhirter, Wyatt, & Elder, Joe Lee Wyatt, 73 Union Avenue, Memphis, TN 38103 in this case via U. S. Mail, postage prepaid, on this 11<sup>th</sup> day of June, 2007.

/s/ Brian C. Neal

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